

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 3, 2019

PORTSMOUTH, NH
TIME: 6:15PM

There was one table for Public Dialogue Session – Table A

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Perkins, Raynolds and Becksted

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Harold Whitehouse said that this is one of the finest City Council's he has seen in a long time. He said this City Council all works together and handles difficult situations.

Mr. Whitehouse stated he hates to see the city divided on the McIntyre Building. He said Mr. Binnie had something to add to the McIntyre Building and brought together things that were an issue. He said there will be 94 parking spaces and St. John's Church will never be obstructed.

Christina Dubin spoke in support of the plastic disposable ordinance. She said she would like this item to go to a public hearing. She stated people do want to see the ordinance passed. She said the City branded itself as an Eco municipality and you need to put some weight behind that meaning, there is enough protection to regulate these kinds of materials.

Councilor Raynolds said he supports Councilor Denton's request and ordinance. He said it is a scaled back version and going as well as we can. He said we can't ban plastic bags at supermarkets.

Councilor Roberts spoke in supports of the ordinance. He said the part on Styrofoam on City property is unclear to him and we should find a way to move forward.

Councilor Becksted said he supports the ordinance by Councilor Denton. He said some concerns are with sports and we could always choose what types of materials to use. He said he does not want lawsuits.

Councilor Denton said he has started drafting amendments that would require the ban on Styrofoam.

Mark Brighton said he received 500 signatures against getting rid of the use of plastic bags a few years ago. He said there is not universal support for this ordinance. He said there is a 50/50 split on this matter.

Mayor Blalock said he would support a strongly written policy rather than an ordinance. He said we are talking about City owned property that you can't use these particular items.

Ms. Dubin said when donations are provided at Little Harbour School dinner you can't request to only receive recyclable items. She said Little Harbour School has Mr. Fox and does compost items.

Harold Whitehouse said the Post Office is a very important issue and it needs to come back to the downtown.

Mayor Blalock said dealing with the Post Office on the federal level we don't know where they're

going to put a post office and they don't provide a reason. He said it is challenging issue and the City Council did not make the decision.

Councilor Becksted said that the public can do their due diligence to try and get the Post Office to move back. He said the public needs to speak out to the Post Master.

Sue Polidura said that the Post Office will blame the City Council and the perception of the employees working at the Post Office is they are not coming back to the downtown site. She spoke opposed to the Plastic Disposable Ordinance. She said she reuses plastic bags for many things. She stated the ordinance does not meet the goals of saving resources.

The Public Dialogue Session concluded at 7:00 p.m.

I. WORK SESSION

There was no Work Session this evening.

II. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:10 p.m.

III. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Denton, Perkins, Reynolds and Becksted

ABSENT: Councilors Pearson and Dwyer

IV. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

V. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

VI. ACCEPTANCE OF MINUTES – AUGUST 12, 2019

Assistant Mayor Lazenby moved to accept and approve the minutes of the August 12, 2019 City Council meeting. Seconded by Councilor Denton and voted.

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

(There is no Recognition and Volunteer Committee Reports this evening)

VIII. PUBLIC DIALOGUE SUMMARY

Councilor Roberts gave a brief summary of the topics discussed during Public Dialogue, which was the Post Office, how wonderful the current City Council is, Plastic Bag Ordinance and the Post Office relocation.

IX. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

Public Hearing

XII. Public Hearing on Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKING – FIFTEEN MINUTES BY THE ~~DELETION OF MAPLEWOOD AVENUE: EASTERLY SIDE THE FIRST TWO SPACES COMMENCING 140 FEET NORTHERLY FROM VAUGHAN STREET~~

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor Blalock read the legal notice.

No Presentation was provided by staff.

There were no questions by the City Councilors.

Mayor Blalock declared the Public Hearing open and with no speakers, declared the Public Hearing closed.

Councilor Roberts moved to pass second reading and schedule third and final reading of the proposed Ordinance at the September 16, 2019 City Council meeting, as recommended by the Parking and Traffic Safety Committee. Seconded by Assistant Mayor Lazenby and voted.

B. Public Hearing on Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.328 – LIMITED PARKING – THREE HOURS – MAPLEWOOD AVENUE: BOTH SIDES, BETWEEN RAYNES AVENUE AND VAUGHAN STREET

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor Blalock read the legal notice.

There was no Presentation provided by staff.

Mayor Blalock declared the Public Hearing open and with no speakers, declared the Public Hearing closed.

Assistant Mayor Lazenby moved to pass second reading and schedule third and final reading of the proposed Ordinance at the September 16, 2019 City Council meeting, as recommended by the Parking and Traffic Safety Committee. Seconded by Councilor Roberts.

Councilor Reynolds said the effects of this will make all parking on Maplewood Avenue metered and three hour parking.

Councilor Roberts said some of the street was already metered but this meters the entire street.

Motion passed.

- C. First Reading on Chapter 3, Article IX – Distribution of Single-Use Disposables (*Postponed first reading at the August 12, 2019 meeting until the September 3, 2019 meeting*)

Councilor Denton moved to pass first reading and schedule a public hearing and second reading at the September 16, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby.

Councilor Denton reviewed the ordinance and said the goal is to get feedback and amendments brought forward that he would draft. He said that this is a lengthy ordinance but the goal is to get everyone at City events, businesses and city property to not use plastic bags. He said the ordinance will essentially ban the disposition of plastic bags and impose a ten cent fee to stay at the store. He said the exception came from the public. He stated plastic bags will still be allowed for residents. He spoke to disposable cups and water bottles. Councilor Denton said he would bring forth an amendment to eliminate the Styrofoam cups at the next meeting. He explained composting for disposable containers. He said straws would need to be requested. He said the effective date of the ordinance is December 31, 2019.

Councilor Becksted said we have many events on streets, how do you intend to enforce the ordinance.

Councilor Denton said the fee for violating the ordinance will be established by the Fee Committee. He stated events on City property and an amendment would be made at the next meeting to address this matter.

Councilor Becksted said he would not support going to second reading with this ordinance, as presented.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby

Mayor Blalock said this ordinance is all well intended but he is troubled by the length of the ordinance and its complexities. He feels that it would be better suited to have a City policy on this matter. He said he might vote in favor of the first reading in order to get to second reading and public hearing.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby asked City Attorney Sullivan if the ordinance would run into issues. City Attorney Sullivan said on City property the City has the right to require things however, once the City regulates off City property you can't regulate plastic and there will be attorney's with questions on this ordinance.

Assistant Mayor Lazenby said it is safe to say we should move forward with a policy.

City Attorney Sullivan said everything Mayor Blalock said could be done. He said a City license or approval would be in compliance with rules as presented by Councilor Denton.

Councilor Perkins asked if there has been any outreach by Councilor Denton regarding Styrofoam uses and would like to know how businesses feel about Styrofoam.

Councilor Denton said at the recent Chamber of Commerce event no businesses were concerned with not using Styrofoam.

Councilor Reynolds said he feels we should be leading on this for the City and raising the bar.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said a policy could be accomplished now and would not take three readings. He said a policy makes the regulations stronger.

Assistant Mayor Lazenby returned by gavel to Mayor Blalock.

Councilor Roberts would move the ordinance to second reading.

Assistant Mayor Lazenby said he supports moving this to second reading and feels a policy is the right way to go at this time.

On a roll call 6-1, voted to pass first reading and schedule a public hearing and second reading at the September 16, 2019 City Council meeting. Assistant Mayor Lazenby, Councilors Roberts, Denton, Perkins, Reynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

D. Third and Final Reading on Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours

Ordinance amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours – Raynes Avenue: entire street, both sides and Vaughan Street: entire street, both sides

Councilor Roberts moved to pass third and final reading of proposed Ordinance, as recommended by the Parking and Traffic Safety Committee. Seconded by Councilor Reynolds and voted.

X. **MAYOR BLALOCK**

1. Appointments to be Considered:

- Maryellen Burke to be appointed to the Board of Library Trustees
- Janaki Fonseka to be appointed to the Board of Library Trustees
- Lori Soloway to be appointed to the Citywide Neighborhood Blue Ribbon Committee

The City Council considered the appointments as outlined by Mayor Blalock and will take action at the September 16, 2019 City Council meeting.

2. Appointment to be Voted:

- Pat Bagley to be appointed to the Trees and Greenery Committee

Councilor Becksted moved to appoint Pat Bagley to the Trees and Greenery Committee. Seconded by Councilor Denton and voted. Assistant Mayor Lazenby recused himself from voting.

3. Appointment of Jane Nisbet to the African Burying Ground Stewardship Committee

Mayor Blalock announced he has appointed Jane Nisbet to the African Burying Ground Stewardship Committee.

IX. **CITY COUNCIL MEMBERS**

A. COUNCILOR DENTON

1. Request for the Conceptual Regional Digester Evaluation

Councilor Denton said in FY19 \$50,000.00 was assigned for this and on the most recent Capital Improvement Plan there will be \$1.2 million for the project. He explained what a digester is and the money will be allocated.

City Manager Bohenko spoke to the components of the project and said the engineer has met with staff and a report will come back on this matter.

XII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Grant for Household Hazardous Waste Collection

Councilor Raynolds moved to accept and expend a \$4,513.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Seconded by Assistant Mayor Lazenby and voted.

B. Approval and Acceptance of Police Department Grant & Donation (Not on Agenda)

- NH Department of Safety Passport & Visa Centers Active Threat Exercise Grant in the amount of \$60,000.00
- Donation from United State Police Canine Association toward the procurement of a Police K-9 in the amount of \$3,000.00

Councilor Becksted moved to approve and accept the Grant and Donation to the Portsmouth Police Department. Seconded by Assistant Mayor Lazenby and voted.

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

1. Request for Approval of Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association

City Manager Bohenko said the agreement with the Ranking Officers Association has been recommended by the Police Commission. He further stated Negotiator Closson has reviewed the contract and it has been placed on the website for the public to review.

Assistant Mayor Lazenby moved to approve the proposed Four (4) Year Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association July 1, 2019 to expire on June 30, 2023. Seconded by Councilor Perkins and voted.

2. Request for Approval of Agreement between the Portsmouth Police Commission and the Portsmouth Police Patrolman's Union

City Manager Bohenko reported the agreement is similar to the Ranking Officers and the Police Commission has recommended its approval.

Councilor Raynolds moved to approve the proposed Four (4) Year Agreement between the Portsmouth Police Commission and the Portsmouth Police Patrolman's Union from July 1, 2019 to expire on June 30, 2023. Seconded by Assistant Mayor Lazenby and voted.

3. Request for Approval of Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association

City Manager Bohenko reported the agreement for the Police Department Civilian Employees Association is a 4 year agreement and is similar to the other contracts. He indicated that the Police Commission is recommending its approval.

Councilor Roberts moved to approve the proposed Four (4) Year Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association from July 1, 2019 to expire on June 30, 2023. Seconded by Assistant Mayor Lazenby and voted.

4. Approval Re: Step Increases for Police Chief Robert Merner

City Manager Bohenko said that this is for step increases for Police Chief Merner which would move him from Step F to Step G and next year Step G to Step H. He advised the Council that the Police Commission supports the agreement and is recommending approval of the step increases.

Councilor Denton moved to approve the Police Commission's recommendation for step increases as indicated in the Police Commissions' letter dated August 24, 2019. Seconded by Assistant Mayor Lazenby and voted.

5. Report Back Re: Contact Information

Councilor Raynolds suggested deferring action until Councilor Pearson is present at the next meeting.

Councilor Raynolds moved to defer action until the September 16, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby and voted.

6. Ceres Street Compactor/Dumpster Extension of Lease

Mayor Blalock passed the gavel to Assistant Mayor Lazenby and stepped down from the dais and did not participate in the discussion regarding this matter.

City Manager Bohenko said the compactor license has been around for 20+ years and stated the extension was not requested in May which would have allowed for automatic renewal for 5 years. He said having this compactor and agreement is in the best interest of the City and that it is an efficient operation that keeps the area clean.

Councilor Denton moved that the request of the licensees to extend the term of the Ceres Street compactor license for an additional five (5) years pursuant to item 13 of the license be granted. Seconded by Councilor Becksted.

Item 13 - Renewal: Licensees, individually or jointly, shall have the option to renew this License for an additional five year term under the following conditions:

- (a) *The City has been fully reimbursed the costs of construction of the enclosure whether through satisfactory repayment pursuant to the promissory notes or otherwise;*
- (b) *The City has issued no more than 12 notices of default during the initial 10-year license term;*
- (c) *Licensee(s) have made a written request to the City Manager to extend the license no later than May 15, 2019*

Councilor Denton asked if other businesses have asked to use the dumpster. City Manager Bohenko advised that Waste Management has indicated that they could not add to the current dumpster and the City prefers the operation as is.

Motion passed. Mayor Blalock recused himself from voting.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

7. 260 Myrtle Avenue Easement – Acceptance of Utility Easement

City Manager Bohenko explained that Public Works has installed new public sewer and drain lines across a residential property at 260 Myrtle Avenue. He stated the property owners Robert A. and Meghan M. Defosses, are prepared to execute a permanent easement deed for the newly located lines. He advised the City Council that the Planning Board has reviewed this and recommend the City Council accept the utility easement.

Councilor Reynolds moved to authorize the City Manager to negotiate, execute and accept a utility easement from Robert A. and Meghan M. Defosses. Seconded by Assistant Mayor Lazenby and voted.

8. Market Street Property – Acceptance of Sewer Line Easement

City Manager Bohenko withdrew this item for the property in question is working on transferring ownership.

9. 111 Maplewood Avenue Easement

City Manager Bohenko said the property is within the North End Incentive Overlay District, which allows for a wide range of mixed uses, however there are height restrictions. He reported that the Planning Board voted to approve a site plan application and grant a density bonus in exchange for the owner conveying to the City publically accessible community space. He said the owner was required to provide publically accessible open space areas, such wide pedestrian sidewalks, a pedestrian alley and pocket park by Easement Deed.

Councilor Reynolds moved to authorize the City Manager to negotiate, execute, accept and record the Easement for Public Access to Community Space from 111 Maplewood Avenue, LLC in a form substantially as present. This authorization is conditioned upon the receipt of a Certificate of Title from the owner. Seconded by Councilor Perkins and voted.

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back Re: PFAS Drinking Water Standards

Deputy Public Works Director Goetz spoke to his report dated August 27, 2019 which indicates we are currently in compliance with the standards for per- and polyfluoroalkyl substances (PFAS) in both the Portsmouth Regional and Pease International Tradeport Drinking Water Systems. He indicated that all Annual Water Quality Reports for all systems are sent to all water customers and posted on the City's website. He reported that the State of New Hampshire recently became the first state to promulgate enforceable drinking water Maximum Contaminant Level (MCL) standards for four per- and polyfluoroalkyl substances (PFAS); Perfluorohexane sulfonic acid (PFHxS), Perfluorononanoic acid (PFNA), Perfluorooctane sulfonic acid (PFOS), and Perfluorooctanoic acid (PFOA). He stated prior to the adoption of these standards, the State had been following the EPA's Health Advisory standard of 70 parts-per-trillion (ppt) for two compounds, PFOS and PFOA. He indicated now the New Hampshire standards set the drinking water maximum contaminant level (MCL) for each contaminant as follows:

PFAS Contaminant	MCL parts per trillion (ppt)
PFHxS	18
PFNA	11
PFOS	15
PFOA	12

Deputy Public Works Director Goetz advised the City Council that the new levels go into effect in October and that we are ahead of things in the City and below the new limits.

City Manager Bohenko commended Deputy Public Works Director Goetz and staff. He said the new facility has saved the City \$14 million for the treatment system.

Mayor Blalock said the system is impressive.

Assistant Mayor Lazenby also commended the staff. He spoke on monitoring and stated if we are 50% or lower we don't need to test for three years. Deputy Public Works Director Goetz said he recommends testing quarterly.

XIV. CONSENT AGENDA

- A. Request for License to Install Projecting Sign for owner Jason J. Mills of BCM Advisory Group LLC for property located at 406 Deer Street (400 The Hill) ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

Councilor Denton moved to adopt the Consent Agenda. Seconded by Councilor Reynolds and voted.

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Roberts and voted.

- B. Letter from Valerie Rochon, The Chamber Collaborative of Greater Portsmouth, supporting removing home addresses for Councilors and speakers at City meetings be removed from general publication**

Assistant Mayor Lazenby moved to accept and place on file and further provide a copy of the letter in the September 16, 2019 City Council packet for reference. Seconded by Councilor Roberts and voted.

- C. Letter from Charles Griffin Re: Proposed Ordinance Regulating Single-Use Disposables requesting the City Council to pass a resolution encouraging voluntary reduction in the use of plastics**

Councilor Denton moved to accept and place on file. Seconded by Councilor Reynolds and voted.

- D. Letter from Liz Good, Moderator, North Church of Portsmouth, UCC, requesting permission to hold its annual Gathering on the Bricks at the Market Square location on Sunday, September 15, 2019 from 11:00 a.m. to 12:00 p.m.**

Councilor Roberts moved to refer to the City Manager with power. Seconded by Councilor Reynolds and voted.

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XVIII. ADJOURNMENT

At 8:15 p.m., Councilor Denton moved to adjourn. Seconded by Assistant Mayor Lazenby and voted.



**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**